IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 1692 of 1997

with

CIVIL REVISION APPLICATION No 1693 of 1997

For Approval and Signature:

HON'BLE MR.JUSTICE P.B.MAJMUDAR

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

KHODAJI BALAJI THAKOR

Versus

HEIR OF DECD. PATEL LALLUBHAI M. & MANAGER OF HIS PROPERTIES

Appearance:

1. Civil Revision Application No. 1692 of 1997
   MR HM PARIKH for Petitioner No. 1-2
   MR BG PATEL for Respondent No. 1
2. Civil Revision Application No. 1693 of 1997
   MR HM PARIKH for Petitioner No. 1
   ..... for Respondent No. 1

CORAM : HON'BLE MR.JUSTICE P.B.MAJMUDAR

Date of decision: 09/03/2004

ORAL JUDGEMENT

Both these revision applications are filed by the petitioners against a common order passed by the appellate Judge in Misc.Civil Appeal No.165/1997 and Misc.Civil Appeal No.166/1997. By the impugned order, the appellate Judge has allowed both the civil appeals. By the impugned order, order of status quo was vacated. An interim application preferred by the plaintiff of Regular Civil Suit No.27/1997 was dismissed by the appellate Court and interim application preferred in Regular Civil Suit No.29/1997 was granted.

2) So far as Civil Revision Application No.1692/1997 is concerned, the same is filed by the petitioner challenging the order of the appellate Judge passed in Misc.Civil Appeal No.166/1997, while Civil Revision Application No.1693/1997 is filed challenging the order passed in Misc.Civil Appeal No.165/1997.

3) Mr.Parikh submitted that since both these revision applications are filed against interlocutory orders, the same are not maintainable in view of the amendment in Section 115 of C.P.C. Therefore, he wants to withdraw both these revision applications in order to file separate petitions under Article 227 of the Constitution of India, challenging the impugned orders.

4) Permission to withdraw these revision applications is granted. Both these Civil Revision Applications are disposed of as having been withdrawn. Rule is discharged in both these revision applications. No order as to costs. Interim relief granted earlier in both these matters is extended upto 5th April, 2004.

(P.B.Majmudar,J.)

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